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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,367	02/07/2002	Lun Chai	PAT-1233DIV	2581

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/072,367

Applicant(s)

CHAI ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 9-26 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9-20 and 24-26 is/are allowed.
- 6) ☐ Claim(s) 21-23 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination Application

The request filed on 11/03/03 for a Request for Continued Examination Application (RCE) under 37 CFR 1.116 based on parent Application No. 10/072,367 is acceptable and an RCE has been established. An action on the RCE follows.

Withdrawal of Allowable Subject Matter

The indicated allowability of claims 21-23 is withdrawn in view of the newly discovered reference(s) to CHEN. Rejections based on the newly cited reference(s) follow.

Specification

The disclosure is objected to because of the following informalities: the first paragraph of the specification needs to be updated to include all of the parent continuation information and patent numbers associated therewith. Appropriate correction is required.

Claim Objections

Claim 14 is objected to because of the following informalities: the recitation of the phrase "can be" in line 1 of claim 14 is vague and indefinite in that it is not clear if that which follows is an actual part of the claimed limitations. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,694,998 to CHEN. CHEN discloses the use of a sunshade including a shade (1), at least two supports (2,3) each having an adjustable length (L), see figures 1 and 9-12; a first end (FE); and a second end (SE) wherein the second end (SE) of each support (2,3) is coupled to the shade (1) at spaced apart locations. Each support (2,3) includes a resilient element (22b) and a bar (22) coupled thereto wherein the bar (22) includes a portion of the second end (SE). The sunshade further includes a connector (4) coupled thereto at the first end (FE). Regarding claim 22, each support also includes a tubular portion (221) having a hollow interior (21) that houses the resilient element (22b), column 5, lines 36-39. In reference to claim 23, the resilient element (22b) is coupled to the first end (FE) of each support a distance (d) through snap buttons (22a). See the marked attachment.

Claim 29 is rejected under 35 U.S.C. 102(a) as being anticipated by US Patent #6,095,230 to MITCHELL et al. MITCHELL et al. discloses the use of a sunshade, as shown in figure 10, including a shade (110,410); at least two supports (330) each having a length (extending from one corner of the sunshade to a *diagonally opposing*

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corner), a first end (FE) at one corner, and a second end (SE) at the other *diagonally opposed* end wherein each support (330) includes a rigid portion (334) having a free end (FE) or (SE) and a resilient portion (332) also having a free end (FE) or (SE) connected to the free end (FE) or (SE) of the rigid portion (334) at the corners of the sunshade such that the second ends (SE) of each support is disposed at spaced apart *diagonally opposing* corners thereof. The resilient portion (332) of each support (330) enables the support (330) to have an adjustable length, and each support (330) overlaps one another at a center of the sunshade, as shown in the marked attachment of figure 10.

Allowable Subject Matter

Claims 9-20 and 24-26 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 9-19, the prior art of record fails to teach the use of a sunshade including the combination of a central portion having a groove for receiving a locking member and at least one leaf member hingedly connected thereto by an integral thin portion.

In reference to claims 20 and 24-26, the prior art of record fails to teach the use of a sunshade including two adjustable length supports having one end spaced from the other and another end of each support connected to the same connector.

Respons to Argum nts

Applicant's arguments with respect to the claims have been considered but are moot, in part, in view of the new ground(s) of rejection.

Applicant's arguments filed 11/03/03 have been fully considered but they are not persuasive. Regarding the applicant's argument that MITCHELL et al. does not teach the use of a support member consisting of a rigid member and a resilient member, clearly figure 10 of MITCHELL et al. shows a support member (330) consisting of a resilient member (332) housed by a rigid member (334). Surely, being that the resilient member (332) is housed within the rigid member (334), they both have free ends that are positioned at the same location - the diagonally opposed corners of the sunshade. Hence, the free ends of the resilient member (332) and the rigid member (334), being the first (FE) and second (SE) ends, are both connected to one another at the corners of the sunshade.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703)308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703)308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH
Primary Examiner

~~January 4, 2004~~

February

YMH

